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Susan B. Willis
(signature)
Date of signature - February 6, 2007

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Craig E. Sherrett et al.) Group Art Unit: 3637
)
Serial No. 10/734,836)
) Examiner: Phi Dieu Tran A
Filed: December 12, 2003)
)
For: IMPACT RESISTANT GLASS UNIT)
) Attorney Docket: 1-36953

February 6, 2007

Mail Stop Appeal Brief- Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF
AND AMENDED REPLY BRIEF

Honorable Sir:

In response to the Notification of Non-Compliant Appeal Brief dated January 30, 2007, attached is an Amended Reply Brief in response to the Examiner's Answer mailed November 21, 2006.

I. Status of Claims

The status of the claims is as follows:

The Amendment filed by the Applicant on July 5, 2006 was entered by the Examiner for the purpose of Appeal on July 21, 2006.

Claims 1-20 stand rejected, are pending in the application, and are being appealed.

II. **Grounds of Rejection to be Reviewed on Appeal**

Issue 1:

Whether Claims 1-2, 4-5, 10, 13, 15-16, and 18-20 are unpatentable under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,368,226.

Issue 2:

Whether Claim 3 is unpatentable under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 4,368,226 in view of U.S. Pat. No. 6,286,288.

Issue 3:

Whether Claim 6 is unpatentable under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 4,368,226 in view of U.S. Pat. No. 6,286,288 as applied to Claim 4, and further in view of U.S. Patent No. 5,784,853.

Issue 4:

Whether Claims 7-9, 12, and 14 are unpatentable under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 4,368,226 in view of U.S. Pat. No. 5,784,853.

Issue 5:

Whether Claim 11 is unpatentable under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 4,368,226 in view of U.S. Pat. No. 6,108,999.

Issue 6:

Whether Claim 17 is unpatentable under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 4,368,226 in view of U.S. Pat. No. 4,459,789.

III. Argument

Based upon the Examiner's Answer, it is clear that there is still confusion by the Examiner between a laminated glass and glass with a lamine layer. Mucaria discloses an impact resistant glass structure having three layers, at least two of the layers being laminated glass. As previously stated, the common definition for a “laminated glass”, as defined by Merriam-Webster Dictionary, is “glass made with plates of plastic or resin or other material between two sheets of glass to prevent shattering” (emphasis added). Furthermore, the Examiner is invited to visit the on-line glossaries: the National Glass Association glossary at www.glass.org/indres/glossary.htm; the glossary of the glass producing company Soundproof Windows at www.soundproofwindows.com/glossary.html, and the glossary of the glass producing company Viracon at www.viracon.com/viraconsultingTerms.php?first=1. These websites are a small sampling of on-line glossaries of glass producing companies that indicate “laminated glass” is a term of art known in the glass industry. The glass industry definition of “laminated glass” is two glass layers sandwiched together with a plastic inner layer. Applicants’ invention as recited in the claims is directed to an impact resistant glass having a first layer that is a planar glass, a second layer that is a planar plastic, and a third layer that is a planar glass layer having a laminate film disposed on one surface.

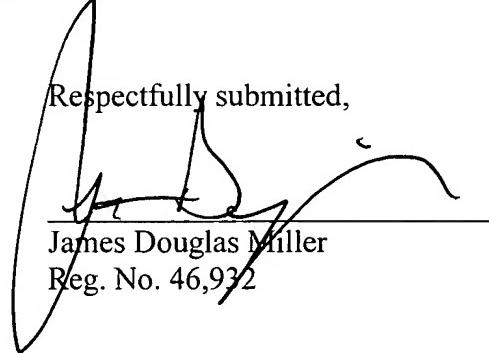
On page 10, second paragraph of the Examiner's Answer the Examiner stated, “The [Ford] reference shows a film sandwiched between layers 36a, 36b and yet the reference does not refer to the structure as laminate glass.” Further, the Examiner stated on page 11, lines 5-7 that “Applicant is also invited to check into the following U.S. patents for the terminology of “lamine glass”, 6972888, 6811841, 6612091, 6401428”. Applicants respectfully disagree with the Examiner that the absence of a term in the Ford reference or the presence of a term in the above-referenced patents is probative of the definition of “laminated glass”, a term of art in the glass industry. It is well established that “[a]n applicant is entitled to be his or her own lexicographer” (MPEP 2111.01 IV), and the use, lack

of use, or misuse of a particular term in a particular patent or application is probative of only that application's definition of the term. As evidenced by the dictionary definition and term of art as used in the glass industry, Mucaria clearly discloses and claims a glass structure with a laminated glass layer, while the present application defines a layer of glass with a single laminate film layer.

The differences between the two structures are significant. Applicants' structure does not include a laminated glass layer (i.e. two layers of glass sandwiched together with an inner layer) but includes a glass layer with a single laminate film thereby minimizing a cost of producing the impact resistant glass structure.

Conclusion

For the foregoing reasons, and the reasons presented in the Brief on Appeal filed August 23, 2006, it is requested that the Board reverse the Examiner's outstanding final rejection of Claims 1-20.

Respectfully submitted,

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